

3/6/2025

Richard Kadrey, et al. v. Meta Platforms, Inc. Barbara Frederiksen-Cross
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

_____)	
RICHARD KADREY, et al.,)	
)	
Individual and)	
Representative)	
Plaintiffs,)	
)	
v.)	Case No. 3:23-cv-03417-VC
)	
META PLATFORMS, INC.,)	
)	
Defendant.)	
_____)	

** HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY **
Videotaped Deposition of BARBARA FREDERIKSEN-CROSS
Palo Alto, California
Thursday, March 6, 2025

Reported Stenographically by
Michael P. Hensley, RDR, CSR No. 14114

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1 ATTORNEY POUEYMIROU: These are really
2 great speaking objections, Phil.

3 ATTORNEY MORTON: Well, your question has
4 an untruth in it.

5 ATTORNEY POUEYMIROU: What's the untruth?

6 ATTORNEY MORTON: That -- your suggestion
7 that Mr. Bashlykov thought that there had been a
8 torrenting of --

9 ATTORNEY POUEYMIROU: Did you read her
10 notes? It says it there.

11 ATTORNEY MORTON: No, it doesn't. She
12 testified exactly what --

13 THE WITNESS: My notes say exactly --

14 ATTORNEY POUEYMIROU: He said he thought
15 it was possible.

16 ATTORNEY MORTON: Stop trying to create a
17 false record here, okay?

18 Ask your question in a way that doesn't
19 have untrue information in it.

20 ATTORNEY POUEYMIROU: Let's look at
21 another document.

22 BY ATTORNEY POUEYMIROU:

23 Q. What did Mr. Bashlykov say to you that you
24 put in your notes?

25 ATTORNEY MORTON: Objection. Asked and

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1 answered.

2 Go ahead.

3 THE WITNESS: Another employee -- I
4 believe his name was Guillaume -- but I wasn't sure
5 I had spelled that right or caught it right -- might
6 have used BitTorrent. He wasn't sure.

7 Nikolay was not sure whether this
8 individual had used BitTorrent, and the individual
9 was no longer an employee, and there was no record
10 of him having used it that I have seen; so that was
11 a kind of a dead end.

12 BY ATTORNEY POUEYMIROU:

13 Q. Okay. And all I was asking, in light of
14 that statement he had made to you, is confirming
15 that you did not see a .torrent file or the presence
16 of any download file from a pre-2023 torrent of
17 Libgen?

18 ATTORNEY MORTON: Object to form. Outside
19 the scope.

20 THE WITNESS: When I asked specifically
21 what he was -- what Nikolay was involved in, he said
22 cimag was the only thing he was involved in. I
23 asked if anybody else was doing BitTorrenting at the
24 same time. He mentioned this guy may possibly have
25 been using it. Nothing -- I have seen nothing to

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1 suggest that there were other BitTorrent downloads
2 or even to confirm that they had existed.

3 So, no, I haven't seen torrent files for
4 other BitTorrent downloads. I haven't seen
5 resultant files that I could look at and say this is
6 a BitTorrent download because without --

7 Without some other corroborative
8 information, if you're just looking at a file that's
9 a epub or a MP3 or a movie or whatever on your disk,
10 you don't know how it got there, necessarily, unless
11 you can tie it to something like a BitTorrent
12 .torrent file or something.

13 BY ATTORNEY POUEYMIROU:

14 Q. Did you see the .torrent file for the 2024
15 torrenting that you reviewed in this case?

16 A. We downloaded the .torrent files from
17 Anna's Archive for the various files that we were
18 able to find responsive to searches for things like
19 the author name and the title name, et cetera. And
20 so we downloaded those torrent files from Anna's
21 because that's our understanding of where they
22 had -- would've come from.

23 Q. Well, --

24 A. And in terms of the download files, we did
25 see -- I mean, I didn't actually analyze each

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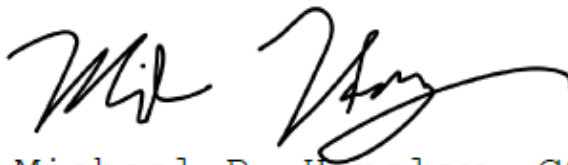
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CERTIFICATE OF SHORTHAND REPORTER

I, Michael P. Hensley, Registered Diplomate Reporter for the State of California, CSR No. 14114, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my direction; that reading and signing was not requested; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.



Michael P. Hensley, CSR, RDR